

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carlo Vescovi	Team: Squad #14	CCRB Case #: 201909967	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 11/14/2019 1:45 PM	Location of Incident: 94th Precinct stationhouse	Precinct: 94	18 Mo. SOL 5/14/2021	EO SOL 12/29/2021	
Date/Time CV Reported Thu, 11/14/2019 3:45 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Thu, 11/14/2019 3:45 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Jerome Magluilo	00221	921522	094 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Gregory Rivera	00000	942437	094 PCT
2. CAD Carolyn Rodriguez-Perez		360174	094 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Jerome Magluilo	Discourtesy: Sergeant Jerome Magluilo spoke discourteously to § 87(2)(b)	
B.SGT Jerome Magluilo	Discourtesy: Sergeant Jerome Magluilo acted discourteously toward § 87(2)(b)	

Case Summary

On November 14th, 2019, § 87(2)(b) filed this complaint in-person at the 94th Precinct stationhouse. The complaint was faxed to the CCRB on November 14th, 2019.

On November 14th, 2019, at approximately 1:48 pm, § 87(2)(b) entered the 94th Precinct Stationhouse, located at 100 Meserole Avenue in Brooklyn, to amend an accident report. § 87(2)(b) spoke with Lieutenant Gregory Rivera of the 94th Precinct, who gave him a piece of paper with a telephone number on it. § 87(2)(b) then approached the stationhouse desk and Sergeant Jerome Magluilo of the 94th Precinct took the paper from § 87(2)(b). § 87(2)(b) reached across the stationhouse desk to retrieve the paper from Sgt. Magluilo and Sgt. Magluilo allegedly told § 87(2)(b) “Don’t fucking touch me.” (Allegation A: Discourtesy, § 87(2)(g) § 87(2)(b) asked for the paper back and Sgt. Magluilo allegedly refused to return it and threw it in the trash. (Allegation B: Discourtesy, § 87(2)(g)

The investigation obtained surveillance footage from the 94th Precinct stationhouse § 87(2)(g)

Findings and Recommendations

Allegation (A) Discourtesy: Sgt. Jerome Magluilo spoke discourteously to § 87(2)(b)

The investigation established the following facts: § 87(2)(b) spoke with Lieutenant Rivera, who was assigned to the desk, and requested his accident report be amended. Lieutenant Rivera was unable to contact the officer who prepared the accident report, and § 87(2)(b) indicated he wanted to file a complaint against her. Lieutenant Rivera provided § 87(2)(b) with a form to file his complaint at the stationhouse and wrote down the number for the CCRB and IAB on a piece of paper. At some point, § 87(2)(b) spoke with Sgt. Magluilo at the stationhouse desk and the paper containing the phone numbers was exchanged between them.

According to § 87(2)(b)s (BR01) testimony, Sgt. Magluilo called him over to the stationhouse desk as he completed the paperwork to file his complaint in-person. Sgt. Magluilo told § 87(2)(b) not to call the number on the paper to file a complaint, which § 87(2)(b) believed was an attempt to protect the officer. Sgt. Magluilo then took the paper from § 87(2)(b). § 87(2)(b) outstretched his arm and said, “give me the paper.” In response, Sgt. Magluilo allegedly stated, “Don’t fucking touch me.” § 87(2)(b) denied that he made any physical contact with Sgt. Magluilo.

Sgt. Magluilo (BR 02) testified that § 87(2)(b) received the incorrect phone number for the CCRB, and stated that he took the piece of paper from § 87(2)(b) in order to correct the number. As Sgt. Magluilo scratched out the incorrect number, § 87(2)(b) became irate and reached over the stationhouse desk and touched Sgt. Magluilo’s arm as he attempted to retrieve the paper. Sgt. Magluilo told § 87(2)(b) “Don’t touch me,” but could not recall if he said, “don’t fucking touch me,” or if he used profanity during the interaction.

Lieutenant Rivera (BR03) testified he was not present for any of the allegations because Sgt. Magluilo took over the desk so Lieutenant Rivera could take his meal break.

CAD Rodriguez-Perez (BR04), who was assigned as the TS operator, testified that she did not recall the incident and did not hear Sgt. Magluilo use profanity with § 87(2)(b).

It is undisputed that Sgt. Magluilo ordered § 87(2)(b) not to touch him in response to § 87(2)(b) reaching for the piece of paper. § 87(2)(g)

Allegation (B) Discourtesy: Sgt. Jerome Magluilo acted discourteously toward § 87(2)(b)

§ 87(2)(b) testified that after he requested the piece of paper back, Sgt. Magluilo allegedly refused to do so and threw it into the trash.

Sgt. Magluilo testified that § 87(2)(b) wanted the piece of paper back but could not recall if it

was returned to him at the end of their interaction. Sgt. Magluilo could not recall if he threw the paper away.

CAD Rodriguez-Perez testified that she did not recall if Sgt. Magluilo threw away the piece of paper that § 87(2)(b) attempted to retrieve.

The investigation obtained surveillance footage (BR05) that captures § 87(2)(b) inside the stationhouse. However, the camera is positioned directly above the stationhouse desk and faces toward the entrance. As such, the angle of the footage does not capture whether Sgt. Magluilo threw § 87(2)(b)'s piece of paper into the trash.

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party. (BR 06)
- Sgt Magluilo has been a member-of-service for 21 years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On February 5th, 2020, a Notice of Claim inquiry was sent to the New York City Office of the Comptroller and yielded negative results. (BR 07)
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date